

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
November 25, 2013
10:00 A.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Marlin Weisheit, Vice President and Rick Reid, Member

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes. Auditor Deputy, Allan James, was in attendance.

PLEDGE OF ALLEGIANCE

AREA PLAN COMMISSION

REQUEST FOR EXTENSION OF SURETY

Arbor Pointe Subdivision Sec. 1 by Arbor Pointe Development, LLC, by Ray Zeller, Co-Manager. ~ Streets, Sidewalks & Drainage Construction. Has had six years. Dollar amounts for streets increases from \$73,065 to \$128,453; drainage from \$19,791.70 to \$24,792 and sidewalks remain at \$47,447.00 Total amount from \$140,302 to \$200,692.00. LOC expires 12/1/13. Tabled to this meeting to do repairs to roads and be re-inspected by County Engineering on Nov. 22nd. If repairs done will be given a six month extension on streets and drainage. May submit a new Letter of Credit on sidewalks for one (1) year.

Don Williams: Do we need our Attorney here for this first issue? He may be a little bit late.

Sherri Rector: It's whatever you think.

Don Williams: Okay, let's go ahead and look at that.

Sherri Rector: Okay, this is continued from the last meeting, it was a Request for Extension of Surety, its Arbor Pointe Subdivision Section 1 by Arbor Pointe Development, LLC, by Ray Zeller, Co-Manager. Streets, Sidewalks and Drainage Construction. They have had six (6) years. Dollar amounts for Streets increases from seventy three thousand sixty five dollars (\$73,065.00) to one hundred twenty eight thousand four hundred fifty three dollars (\$128,453.00), Drainage from nineteen thousand seven hundred ninety one dollars and seventy cents (\$19,791.70) to twenty four seven ninety two (\$24,792.00) and Sidewalks remain at forty seven thousand four hundred forty seven dollars (\$47,447.00) total amount from one hundred forty thousand three hundred two (\$140,302.00) to two hundred thousand six hundred ninety two (\$200,692.00). The Letter of Credit expires on December the 1st. Tabled to this meeting to do repairs to Roads and be re-inspected by County Engineer on November the 22nd. If repairs are done will be giving a six (6) month Extension on Streets and Drainage, may submit a new Letter of Credit on Sidewalks for one (1) year. That was what was talked about at the last meeting and Brent, I believe, went out and did an inspection.

Brent Wendholt: I went out and did the inspection this morning; as a matter of fact I have pictures if you guys wanted to see them. No work has been completed since last meeting.

Don Williams: They look pretty much the same as they did last meeting.

Brent Wendholt: Correct.

Don Williams: Have you had a chance to look? Go ahead if you'd like. Let us know what's going on.

Ray Zeller: My name is Ray Zeller and it's been tough trying to get estimates and that and we finally did get one from Affordable to seal it and take us through the winter. We've got the bank, the attorneys and everybody involved in this now with the destruction of the roads from the buyer that bought the back part of that. I haven't got anything done; it's a tough time of year. Affordable has given us a bid and it is acceptable but when they can do it depends on weather and...I really don't have anything, you know, it's just been destroyed.

Don Williams: And you're saying your buyer is the one that destroyed it?

Ray Zeller: Yes.

Don Williams: Unfortunately he's not the one who's got the Letter of Credit.

(Adam Long, County Attorney, arrived at 10:04)

Ray Zeller: Correct, that's my problem. And there is an attorney involved in that now and, you know, where we go or what will happen, I don't know. I know for the people that's living there, especially in the condo's, you know we...I'm in close communications with them. We do have a buyer on the other section of condo's but it all depends on the roads; so we do need to get them fixed for the winter and then go from there.

Don Williams: Brent, do you have anything you want to talk about there? Sherri, either one of you, I mean...this is a...something new for me in thirteen (13) years so...

Ray Zeller: Sorry to be the first.

Don Williams: You have sympathy as far as the situation goes, the bottom line is those roads are very, very close to being impassable. And they're not County Roads; we don't have a real option unless we take it, yes Sherri.

Sherri Rector: And I'm certainly not a road engineer but, you know this just...another developer bought portions of the back part and the deeds, the right-of-ways were not included, so now he started all this building back there with all the

new homes going in, which is great, however then it tore the roads up and these roads have been sitting there for what six (6) years, seven (7) years...?

Ray Zeller: Six (6) years.

Sherri Rector: Six (6) years and so now they're just...with the new traffic construction on there it just tore them all up but we did have a site review with both parties, the Builder that's building back there and Mr. Zeller, and we did explain to them, I talked to the Planning Commission Attorney and of course that's a civil matter between the two (2) of them and what their Purchase Agreement says we'd have to go by the deeds and the right-of-way. So, as I did explain last meeting, he is within his time period to renew his Sidewalks, you have a choice in the Subdivision Ordinance to put them all together in one (1) Letter of Credit or he could have a Letter of Credit for Sidewalks and a Letter of Credit for Streets, he has that option. He chose with this Letter of Credit it's all combined into one (1), Streets, Sidewalks and Drainage. And it was my understanding at the last meeting you agreed to let him submit a new Letter of Credit for the Sidewalks but then I think Mr. Howard may be interpreting that different so...

Brent Wendholt: Yeah, Bobby interpreted it differently. If we grant them an Extension he agrees to separate the Streets and Drainage in one, the Sidewalks in another. If we don't...his thought and idea was to pull the whole thing.

Don Williams: Yeah, I don't think we have an option, if it's together, if we decide to pull it...

Sherri Rector: Right...

Don Williams: You know, without it being redone. We have a real dilemma and that problem is your problem and the last time you told us that you had applied for quotes from Metzger's and they have no record of that.

Jim Morley, Jr.: Really?

Don Williams: Really. At least that was our report. So anyway, we got citizens that have to get back and forth to their homes which have been built and sold to them back there and I don't know what our options are, Brent, you have any options as far as the road?

Brent Wendholt: Bobby and Metzger Construction have been in contact with each other, they've got a plan to get the work complete...I think, the way I took it is that Bobby has it worked out with Metzger's that they can get the roads surface coated and everything in the near future if we pull the Letter of Credit. Dig outs and everything involved so we do have a plan intact if you guys decide to pull the Letter of Credit.

Don Williams: Well, if we pull the Letter of Credit and we do those roads then we need to put a weight limit on those roads and Mr. Murphy who's doing the developing would need to get a Road Usage Agreement to bring anything over whatever weight we decide, I'd like to make it fairly low, six (6) or eight (8) ton because I'm not going to tolerate them doing the same thing to the County that he's...you' know, if he has in fact, that's what Mr. Zeller's claim is...

Ray Zeller: I think...and I was confused and my real estate lady and everybody, but when we went to sell it to Mr. Murphy we was trying to divide the Letter of Credits on what we thought he was responsible for and what we was and we was under the understanding we couldn't do it until it came up for renewal which is now. Is that correct or...

Don Williams: I don't have a clue.

Ray Zeller: You know, we should have took care of all this when we sold it and then it would have all been taken care of...

Don Williams: Absolutely.

Ray Zeller: But we was under the impression that we couldn't do it until the letter of renewal came up for...or the Letter of Credit to renew it.

Don Williams: I don't think you have to wait until the end of the Letter of Credit to make changes. You can go in...

Sherri Rector: You can't make any changes within the year, however if you would have sold off the back part and included the right-of-way in it we could have adjusted that but you didn't sell any part of the roads, it was just metes and bounds, legal descriptions of the ground, because they re-platted those back parts and stuff.

Ray Zeller: So where we messed up is we didn't include the legal descriptions...

Sherri Rector: You need to ask your attorney that, I'm not going to put myself out there. (Laughter) But you should have made sure, yeah, somehow.

Don Williams: What does the Engineer feel needs to be done, Mr. Wendholt?

Brent Wendholt: Bobby and my...our decision is to pull the Letter of Credit and have us do the work and get it completed sidewalks and everything. That's his recommendation to the Board.

Rick Reid: Do you think the sidewalks need to be done now?

Brent Wendholt: The sidewalks will probably be done in the spring when weather warms up but we would need to do the roadways immediately.

Don Williams: Any questions from the Board? Do you have anything else you'd like to say Mr. Morley or Mr. Zeller?

Jim Morley, Jr.: I was going to say, I don't...speaking on behalf of Ray, I don't think that this project is ending in a way that anybody really wants it to end.

Don Williams: Oh, I agree, it's just a bad situation.

Jim Morley, Jr.: Yeah, and want you guys to know that cause I've known Ray for a long time and this unfortunately with the way the roads...

Don Williams: I understand him and I understand the people he sold the ground to both so...

Ray Zeller: Yeah, we don't want to get a bad mark against us just...

Don Williams: We don't do bad marks.

Ray Zeller: Okay.

Don Williams: We take each situation as individual situations. So there won't be any grudges held, there'll be a bad taste in your mouth and ours probably, but we're not going to hold it against you. With that being said, what's the will of the Board?

Marlin Weisheit: I'll make the motion to go ahead and pull the Letter of Credit to complete the work.

Don Williams: Do I have a second?

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Ray Zeller: Thank you.

Don Williams: So, we'll pull that, it's not a good thing for you but you don't have to worry about it anymore, at least that part of it.

Ray Zeller: Alright.

Marlin Weisheit: Thanks for coming today.

Sherri Rector: Brent, did you type out anything for them to sign that you did...

Brent Wendholt: No, I've been swamped; I will have it to them probably later on this morning.

Sherri Rector: Okay, he has to...for us to draw the Letter of Credit which Brent's going to go down and get it at the Bank for me, you have to go downtown to Fifth Third Bank, he has to sign that you did vote to pull it and then he has to certify that they've not been completed and then he'll go get the Letter of Credit because we have to do it by Wednesday because it expires Sunday.

Don Williams: Are those papers drawn up yet?

Sherri Rector: No, he hadn't had time so if you guys...

Brent Wendholt: I'll get it as fast as I can.

Don Williams: Who are the signatories have to be on that? All three (3)?

Sherri Rector: Well, at least two (2) of them. At least two (2).

Brent Wendholt: At least two (2) of the three (3).

Marlin Weisheit: I'll be available to sign.

Don Williams: I will be too. Just call us when you get them ready.

Brent Wendholt: Yeah, I'll bring them right up.

Marlin Weisheit: Yeah, we'll come to you.

Sherri Rector: Okay, thank you. I'm on vacation now.

Rick Reid: Have fun.

Marlin Weisheit: Back on vacation.

Sherri Rector: Yes.

APPROVAL OF MINUTES

**October 24, 2013 @ 3:30p.m...Payroll Session
October 15, 2013@ 4:00p.m...Regular Session
October 28, 2013 @ 4:00p.m...Regular Session
November 7, 2013 @ 3:30p.m...Payroll Session**

Don William: Alright, we have Approval of Minutes for October 24th Payroll Session, October 15th Regular Session, October 28th Regular Session, November 7th Payroll Session.

Rick Reid: Can we do all those at the same time?

Don Williams: As far as I'm concerned.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: I have a motion and a second to approve the minutes of October 24th Payroll Session, October 15th Regular Session, October 28th Regular Session, November 7th Payroll Session. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries, three (3), zero (0).

ITEMS FOR DISCUSSION

EMS Monthly Report

Don Williams: Okay, we have our Monthly EMS Report, Gentlemen, Mr. Rauscher.

Pat Rauscher: Pat Rauscher for Warrick EMS, I've got our Operational and Financials for October of 2013. For the operational side we had three hundred seventy five (375) total runs, two hundred thirty four (234) to local hospitals, forty (40) refusals, thirty six (36) hospital transfers, twenty two (22) in the other category, forty three (43) private runs, all of our Customer Satisfaction Surveys were satisfactory for October and ninety six percent (96%) success rate for our response time. Any questions on our Operational?

Don Williams: Let's look at the Financials.

Pat Rauscher: Financials for October of 2013. Collectables were down eight thousand five hundred ninety eight dollars and eight cents (\$8,598.08). The reason we thought that was going on was first of all we had a few adjustments in there but the other part where you had some lock box changes that were occurring to where the funds were going into and as a result they're slowly trickling in there because of the changes that had to be made there so we should see that catch up in the next month or so. But for the year that puts us at one hundred seventeen thousand nine hundred ninety nine dollars and seventy cents (\$117,999.70) over budget for our collectables. Expenses we were one thousand seven hundred forty dollars thirty cents (\$1,740.13) under budget for the month and for the year one hundred eighty six thousand six hundred sixty dollars and seventy four cents (\$186,660.74) for the year.

Don Williams: Okay, looks good, you're operating in the black. Any questions from the Board?

Marlin Weisheit: I have none.

Rick Reid: No.

Pat Rauscher: Alright.

Don Williams: Thank you very much. I appreciate your report.

Marlin Weisheit: Thanks, Pat.

Don Williams: And I did get your email about looking because our contract ends next year and we'll probably try and get a committee together between now and the first of the year and we'll probably start talking sometime after the first of the year. You don't need to remember that we're keeping all of our options open though.

Pat Rauscher: Okay, I'm sure...this process is for new for all of us that are kind of coming on board this year so...appreciate it, thanks.

Marlin Weisheit: Thanks, Pat.

DEPARTMENTAL REPORTS

COUNTY ADMINISTRATOR

Letter of Support ~ Brentwood Meadows Hospital

Don Williams: County Administrator.

Roger Emmons: Thank you, Mr. President, the first item I have is a Letter of Support; it was requested for the Brentwood Meadows Hospital. This was requested by Nicole Mires, she is the Marketing and Development Coordinator for ARC Property Investment, LLC, the company that developed the hospital and then I received a unanimous consensus from the Board to prepare the letter, I did that this morning, I don't know if it needs to be read into the minutes but I have it here for your consideration.

Don Williams: I don't think it needs...it's not like an Ordinance or a Resolution; I don't think it needs to be read into the minutes.

Roger Emmons: No, it's just a Letter of Support.

Don Williams: If there's any questions from the Board - if not, this is another one of those good things, they're expanding over there. I entertain a motion to approve.

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries. Thank you.

Memorandum of Understanding ~ Warrick County Health Department

Roger Emmons: Next item is the Memorandum of Understanding, the Warrick County Health Department, emailed them to you on the 21st, and advised that John Topper, he's our Emergency Preparedness Consultant, he drafted these, they are for the use of the 4-H Center and the State Road 62 Industrial Park in the event of a public health emergency where they might require mass clinics for disease prevention and control activities. I don't know if you've had a chance to review those but all they need is approval by motion and Don's signature, the President of the Board.

Rick Reid: Why didn't they have anything down in Ohio Township where the vast population is?

Roger Emmons: Um, I don't know, mainly because these are County owned facilities, I don't know if we have...and they're fairly large areas, um, he didn't offer and I didn't ask to be honest with you.

Don Williams: We can...if you want to check we can hold it off for, you know, the first meeting in December, I don't think it has to be done...

Roger Emmons: It doesn't have to be done today.

Don Williams: No.

Roger Emmons: But I can check with him.

Rick Reid: So we can use the schools on that or is that a different function.

Don Williams: That all has to be checked into, I don't know what they've checked into and what they haven't; I just know what they are proposing.

Roger Emmons: Well, with the schools it would be a MOU between the Health Department, the Commissioners and the School Corporation I would assume. Adam could speak to that better than I can but...

Don Williams: We can approve...

Roger Emmons: For these two (2) and then I can check and bring back next meeting.

Don Williams: Yeah, or we can just bring it back on the 9th, December 9th is our next meeting. I entertain a motion, let's just table that.

Rick Reid: Motion to table.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Okay, we'll table that to the December 9th meeting.

Items to be Declared Surplus ~ Prosecutor's Office

Roger Emmons: Next item, Parker Trulock who's the First Deputy Prosecuting Attorney had sent an email and he asked, he was telling me that I did...he had placed two (2) boxes of miscellaneous office equipment in front of our storage room in the Judicial Center and he said they're labeled as 'County Surplus' but naturally the Commissioners need to take action relative to that. He did submit those in an email on November the 20th, I copied the Commissioners on that the very next day. There are twenty (20) items on that list and I don't know, Adam, do I need to read all those or could they just reference the list?

Adam long: I think you could reference the list that was emailed, the day of the email, and that would be sufficient.

Roger Emmons: If the Board does that by motion and they'd be placed, given to Joe for auction or see if we can use them internally, whatever.

Don Williams: Okay, do we have a list?

Roger Emmons: Yes, we do.

Don Williams: Okay, I haven't actually had the chance to see the list but...

Roger Emmons: It is a list of twenty (20) items as sent by Parker Trulock on November the 20th, it was after 4:00p.m., I didn't get them until the next morning when I sent them to the Board.

Don Williams: You got them handy?

Roger Emmons: Yes.

Don Williams: It's all computer stuff?

Rick Reid: I saw it on email.

Roger Emmons: Okay, good.

Marlin Weisheit: I'll make a motion to declare the items surplus.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries two (2), zero (0); three (3), zero (0). Make it three (3), zero (0).

Roger Emmons: Thank you.

Amendment #6 to Extension Contractual Services Agreement between Purdue University and Government of Warrick County, Indiana

Roger Emmons: Next item is Amendment #6 to the Extension Contractual Services Agreement between Purdue University and Government of Warrick County, Indiana. I copied you on my email to Susie on the 21st. We've been doing these things, or the Commissioners have been approving these for many years. The only thing that changes from year to year is basically the period. The term, sometimes the salaries change but the salary on these particular amendments, and they're identical, is the same for this year.

Don Williams: Okay, we do this every year. What's the will of the Board?

Marlin Weisheit: Make a motion to approve.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Report on Commercial Insurance Quotes for 2014

Roger Emmons: The next item, the report on our Commercial Insurance Quotes for 2014. We did receive four (4) timely quotes. They were due by 4:00 P.M. on November the 15th, First Advantage Insurance submitted one (1) quote, the next three (3) that I have listed were basically both from the Commerce Insurance Group/McNeely Insurance Agency but I've broken them down in an email I sent to you by person, the agent who submitted those. First Advantage Insurance was submitted by Keith Shelton, total amount four hundred sixty six thousand nine hundred sixty four dollars (\$466,964.00). Secondly, McNeely Insurance Agency, Randy McNeely, five hundred thirty two thousand six hundred ninety five dollars (\$532,695.00), Commerce Insurance Group by Bob Fitzsimmons, six hundred seventy three thousand eight hundred forty seven dollars (\$673,847.00) and Commerce Insurance Group again by Mr. Fitzsimmons six hundred fourteen thousand thirty nine dollars (\$614,039.00). Don and I sat down and kind of scanned through these, we're layman, we're not commercial insurance experts and I know that Marlin has agreed with Don that perhaps a third party independent review would service best because of the...number one, we're not experts and number two there appear to be variations from the quote specs that may impact the board's decision. And as an example, one of the quotes submitted proposes that the Commissioners increase the liability limits to three million (\$3,000,000.00) and six million (\$6,000,000.00) from what we currently have two million (\$2,000,000.00) and four million (\$4,000,000.00). And those two (2) figures represent per occurrence/coverage part aggregate. And their quote included that so I think there may be other variations within these quotes, and I have them all here that an independent reviewer would be good. Now, Joe's on vacation but I've contacted a couple of insurance men we're familiar with, Ted Inman at Peoples Bank, he had told me last week that he thought he knew of a guy named Dave Thomas in Floyd Knobs who is with Indiana Farm Insurance, they are a company that would not, according to Ted, be able to submit a quote, which that's a moot point, it's passed the deadline. I called Mr. Inman again this morning at 9:15 and left a voice message, he was on the other line when I called. Dave Waltz, our Health Insurance Broker, we felt was also a person that might be able to give us a name. I called him this morning and he said he had talked to Phil Birk last week, Mr. Birk was at Old National Bank Casualty, he's now with AFLAC and was assisting Bart Mundy who's been one of our local AFLAC Agents for many years, he told Dave that he wouldn't feel comfortable doing it because he just wasn't that familiar of the commercial aspect. However, he did suggest a couple of different gentlemen, both local, a John Hodge, Evansville and both of these gentlemen are in their sixty's (60's) and he thinks they're retired. John Hodge is the most promising according to Dave and Dave's supposed to get me his phone number so I can call him, he was a consultant in the business. The other person is Mike Majors and Dave's also going to get me his phone number so I can contact them both and see if they're interested. I can tell you that all of the agents that have submitted they have requested to be allowed to come talk to the commissioners to review their quote and I know that one (1) local agent wants a copy of all the quotes and I think now that the Board will acknowledge them that that's...they're for public record now.

Don Williams: Yes, I agree.

Marlin Weisheit: I agree.

Don Williams: Charge for the copies, that's about it so...

Roger Emmons: We can do that. So that's the report, I know we're in our short time limit here and we've got the month of December basically even not that long...

Don Williams: We really need to try to get a hold of this Mr. Hodge or this fella up north of us and try and get them to evaluate because of the different... and there's more than just one, I mean, you look at the total numbers and it looks like, 'well, this one is cheaper' and it may well be, you know, so we definitely want the best deal for the County and the ones bidding, like you said, the three (3) and six (6) vice the two (2) and four (4) and I don't think we've ever got into the two (2) so I don't think that was even...I think that's a...so, we have those kind of things, we just need an expert to look at it and say which is the best route for us to go and most cost effective, that's the main thing we're looking at.

Roger Emmons: The difference between First Advantage Insurance and the next lowest quote which is Randy McNeely's is sixty five thousand seven hundred thirty one dollars (\$65,731.00) but because of the possibilities that certain conditions within their quote may effect that is...we can't just look at the number. We need to get that opinion as to what is best for the county moving forward. And of course it's commonly said that if you change an insurance company a lot of times they will bid very low to get it and then over the next succeeding years you may end up paying that back and then some, that's a possibility, it's not necessarily a reality but...

Don Williams: Right, and if we can get those analyzed and get the results in I think we ought to hold an additional regular meeting to get that so the selected insurance company can get going on getting those incorporated and in place.

Rick Reid: How soon do you think we could do that?

Roger Emmons: Well, when we get done with this meeting I'll check back with those two (2) gentlemen, Mr. Inman and Dave Waltz, and see if they've got any updates and some numbers for me to call. I'll try all day to get them.

Don Williams: Yeah, and if it comes out negative then we're just going to have to sit down and try to get a committee together, maybe we can get President Meyer to sit in on that with us as we have the difference agencies come in and explain their quotes to us, the two (2) lowest ones anyway.

Roger Emmons: Well, another thing too is when we copy all the agents on all four (4) of the quotes they're going to go through them themselves and they may...naturally it's going to be a biased opinion but there may be some factual parts of that opinion as well so, and we can check them against the specs in the actual quotes to confirm that.

Don Williams: Okay.

Marlin Weisheit: Either way I feel like we're having quite a bit of savings this year.

Don Williams: Yeah, looks like everybody sharpened their pencils, which is what we were after.

Marlin Weisheit: Right, do you want a motion to table this until we have a chance to review or you just want to...

Don Williams: I think just, not to table it necessarily but to take it under advisement.

Marlin Weisheit: Okay, I'd make the motion just to take these quotes under advisement until we have time to hopefully consult with a consultant.

Don Williams: Get them analyzed.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries.

Adam Long: I think there needs to be a motion to engage that consultant because that would be an official act.

Marlin Weisheit: I would make that motion as well.

Rick Reid: Second.

Don Williams: Motion and a second to engage a consultant. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye.

Marlin Weisheit: Aye, thanks, Adam.

Adam Long: Um-hm.

Don Williams: Motion carries three (3), zero (0). Anything else, Roger?

Confirmation of Benefits for flu shots, diabetic counseling and vision exams

Roger Emmons: Yes, Mr. President, I have a Confirmation of Benefits changes that are regarding the flu shots, diabetic counseling and vision exams. I forwarded Dave's November 22nd email to you with attachment of the Confirmation of Benefit changes effective October 15th this year and November 1st for our group and these have been discussed before and received a consensus from the Commissioners on these. By approving the Confirmation of Benefit changes and President Williams signature, I'll get those back to Dave Waltz, he'll get them to MedBen and they will then issue the amendments for each change and the summary of material modifications. The refractive vision exams is changed because there was contradictory language in different sections of the plan in-network, for PPO, no co-pay, applicable deductible, applicable co-insurance, HDHP same thing. Diabetic counseling, it allows coverage for up to five (5) diabetic counseling visits as long as the deductible has not been satisfied. If and when the deductible has been satisfied there will be no coverage for diabetic counseling. So those cover in-network and out-of-network for the HDHP. Flu shots, this adds coverage for flu shots under our prescription plan with a zero dollar (\$0.00) co-pay and our pharmacy data manager company has been notified of that. Those were effective October the 15th, effective November the 1st, it says the group will add coverage for flu shots at the out-of-network level of benefits for both the PPO and the high deductible health plan and for in-network the benefits will remain the same, out-of-network, no co-pay, no deductible, 100% of bill charges. That's because the flu shots are a part of the wellness benefit so the county is going to pay for those one way or another which is why we've been doing it in-house flu shots in the nurses' office, get a better price on those. I would ask that the Board approve the Confirmation of Benefit Changes by motion.

Marlin Weisheit: I'd make that motion.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries.

Roger Emmons: Thank you.

Marlin Weisheit: Thank you, Roger.

Tax Certificate Sale

Roger Emmons: The next item is information about the Tax Certificate Sale. One question that Glen Luedtke with SRI had was do the Commissioners want to do this an internet sale, a live sale or both? Their fee for a live sale is fifteen percent (15%) of proceeds; internet sale is ten percent (10%) of proceeds. I think in the past we've done both those, do you recall, Don?

Adam Long: The last time that we did it we did a live sale first to allow the people that are here locally the opportunity to have first dibs rather than somebody on the internet and we modified their contract, SRI actually has used that contract, it's my understanding, with other counties after we changed it because they thought that that was probably a good idea for the local people.

Roger Emmons: Okay, so if you read in my emails and on my information sheet that I proposed...of course the Commissioners will approve it that I prepare the required "Resolution establishing the intent to conduct a commissioners' sale to sell Tax Sale Certificates for properties that are severely delinquent in payment of property taxes" for your meeting on January 13th next year. If the Commissioners are okay with that and it is approved and following a similar schedule as the 2012 sale, I would then advertise the Notice of Real Property, Commissioners' Certificate Sale, for three (3) consecutive weeks which is part of the Indiana Code requirements on it; January 30th, February 6th, February 13th for the sale to be conducted on Thursday, March 20, 2014.

Don Williams: Sounds like a plan to me.

Marlin Weisheit: Yep, looks good.

Don Williams: We got seventy one (71) parcels I understand?

Roger Emmons: Yes.

Don Williams: Okay, you have the Resolution?

Roger Emmons: No, I haven't prepared it yet; it will be prepared for your first meeting in January.

Don Williams: Okay, good, so this is just a report?

Roger Emmons: Yes.

Don Williams: Okay, no action required.

Roger Emmons: But getting back to the sale itself, Adam explained it, do you want to conduct it in a similar fashion with the live sale first and...

Marlin Weisheit: That's my choice.

Rick Reid: That's a good choice.

Don Williams: Yeah, I agree. It went well last time I thought.

Roger Emmons: Okay, very well.

Don Williams: For the most part.

Roger Emmons: That is all I have. Adam has the Redistricting so I'll wait until he takes that.

Don Williams: Yeah, I got it from here. We have a...you have nothing else, Roger?

Roger Emmons: No, thank you, Mr. President.

COUNTY AUDITOR

Claims

Don Williams: Okay, County Auditor, you have some Claims for us, Sir.

Allan James: Allan James, First Deputy, Auditor's Office, Claims for two million twenty seven thousand one hundred twenty one dollars and sixty two cents (\$2,027,121.62).

Don Williams: I had a different number I thought on my claims list.

Rick Reid: I do too.

Don Williams: I left them on my desk.

Rick Reid: Sixty one sixty four (61.64) is the last digits.

Don Williams: And I thought...

Roger Emmons: Jill sent out a revised schedule of claims, she sent one...

Don Williams: That would do it...

Marlin Weisheit: It's only off about sixty (\$60.00).

Don Williams: Yeah, this is probably the original. Give us that number one more time if you would, Sir.

Allan James: Two million zero two seven one two one point six two (\$2,027,121.62).

Marlin Weisheit: I'll make a motion to pay the claims.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

COUNTY ATTORNEY

Correction of Ordinance 2013-26 ~ Executive & Fiscal Body Districts

Don Williams: County Attorney, do you have anything, Sir?

Adam Long: Yes, I have a...if it's the Board's pleasure to bring forth the Modified Redistricting Ordinance we could do so, we'd need a motion to introduce. Alright, and I have verified these with the County Clerk and she is in agreement with the ordinance.

Adam Long: Do we have an ordinance number?

Roger Emmons: Yes, it will be 2013-30.

Adam Long: So we would need a motion to introduce Ordinance 2013-30.

Marlin Weisheit: So moved.

Roger Emmons: Let me interject and ask a question. Are we talking about the Ordinance of the Board of Commissioners regarding executive and physical body districts which gets it all?

Don Williams: Yes.

Adam Long: And Ordinance 2013-26 for correction purposes. So, it will handle both districts but it'll also simultaneously rescind 2013-26, that was due to the annexation where Ohio 33 ceased to exist but then there was a division of one, another precinct which I think was 18 when that one was divided they renamed 18-B 33 and so they were just put in the wrong townships, that was something that the Clerk pointed out to me after we had passed 2013-26.

Marlin Weisheit: So my motion is to introduce?

Adam Long: Um-hm.

Marlin Weisheit: Okay, so moved.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Adam Long: Alright, we have...and Roger, you said 2013-30?

Roger Emmons: Yes.

Adam Long: I have

Warrick County Ordinance #2013_____

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
REGARDING EXECUTIVE AND FISCAL BODY DISTRICTS**

WHEREAS, pursuant to Indiana Code § 36-2-2-2, the executive body of this County is formally identified as “The Board of Commissioners of the County of Warrick”; and

WHEREAS, the most recent executive body district division occurred on December 6, 2001; and

WHEREAS, Indiana Code § 36-2-2-4(a) provides, in pertinent part, that the county executive shall divide the county into three (3) contiguous and reasonably compact districts; and

WHEREAS, Indiana Code § 36-2-2-4(f) provides, in pertinent part, that a division of the County into executive body districts may be done in any odd numbered year; and

WHEREAS, pursuant to Indiana Code § 36-2-2-4(a), the executive districts shall not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting; and

WHEREAS, the Board of Commissioners believes the existing executive districts to be in compliance with Indiana Code § 36-2-2-4(a), and therefore not in need of redistricting at this time; and

WHEREAS, pursuant to Indiana Code § 36-2-3-2(a), the fiscal body of this County is formally identified as “The Warrick County Council”; and

WHEREAS, the most recent fiscal body district division occurred on October 28, 2013, but due to scrivener’s error, District 1 of The Warrick County Council improperly included Ohio 33 which was intended to be included under District 3; and

WHEREAS, Indiana Code § 36-2-3-4(a) provides, in pertinent part, that the county executive shall, by ordinance, divide the county into four (4) contiguous, single-member fiscal body districts; and

WHEREAS, Indiana Code § 36-2-3-4(e) provides, in pertinent part, that a division of the County into fiscal body districts may be done in any odd-numbered year; and

WHEREAS, the single-member districts shall be compact, not cross precinct boundary lines, contain as nearly equal as possible populations and include whole townships except when clearly necessary to accomplish redistricting under Indiana Code § 36-2-3-4(d); and

WHEREAS, according to the results of the 2010 United States Census and the scrivener’s error as identified, the individual fiscal body districts are not as equal as possible as required by Indiana Code § 36-2-3-4(d)(3); and

WHEREAS, in order to comply with Indiana Code with respect to the requirements of division of fiscal body districts, such districts must be redrawn; and

WHEREAS, Ordinance 2013-26, in order to effect the necessary changes, shall be rescinded in its entirety.

**NOW IT IS THEREFORE ORDAINED BY THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA, AS FOLLOWS:**

1. Due to scrivener’s error, Ordinance 2013-26 is rescinded in its entirety.
2. The Districts for The Board of Commissioners of the County of Warrick shall remain as follows:
 - a. District 1 shall be comprised of all precincts of Anderson and Ohio Townships.
 - b. District 2 shall be comprised of all precincts of Boon, Campbell and Greer Townships.
 - c. District 3 shall be comprised of all precincts of Hart, Lane, Owen, Pigeon and Skelton Townships.

3. The Districts for The Warrick County Council shall be as follows:
- a. District 1 shall be comprised of the following precincts in Ohio Township: 1, 3, 4, 10, 11, 15, 16, 17, 19, 20, 22, 27, 28, 32.
 - b. District 2 shall be comprised of the following precincts: Campbell; Greer 1; and Ohio precincts 2, 6, 8, 9, 12, 13, 21, 23, 29, 30, 31.
 - c. District 3 shall be comprised of the following precincts: Anderson (being all of Anderson Township); Boon precincts 1, 2, 3, 4, 5, 7, 10, 15; Ohio precincts 5, 18, 24, 25, 26, 33.
 - d. District 4 shall be comprised of the following precincts: Boon precincts 6, 8, 9, 11, 12, 13, 14; Greer 2; Hart precincts 1 and 2; Lane (being all of Lane Township); Owen (being all of Owen Township); Ohio precincts 7 and 14; Pigeon (being all of Pigeon Township); Skelton precincts 1 and 2.
 - e. The remaining members of the Warrick County Council shall be “at large districts” and shall be elected by the voters of the whole county pursuant to Indiana Code § 36-2-3-4(a)
4. This ordinance, amending the Code of Ordinances of Warrick County, Indiana, will become effective upon passage.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, STATE OF INDIANA THIS ____ DAY OF NOVEMBER, 2013.

BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA

Don Williams, President

Marlin Weisheit, Vice President

Richard Reid, Commissioner

ATTEST:

APPROVED AS TO LEGAL FORM:

L.B. Dugan, Auditor
Warrick County, Indiana

S. Adam Long
LONG & MATHIES LAW FIRM, P.C.
County Attorney

I need a motion to approve on first reading.

Marlin Weisheit: I'll make a motion to approve on the first reading.

Don Williams: Do I have a second? I'll second that.

Adam Long: Okay.

Don Williams: I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Opposed?

Rick Reid: Nay.

Don Williams: Make that two (2) ayes and one (1) nay. (Aye: 2, Nay: 1-Rick Reid)

Adam Long: Alright, I need a...well; we need to set this for a subsequent meeting.

Don Williams: Yep, since we don't have a unanimous and that would be December the 9th.

Rick Reid: Adam, you've stated in there on the Commissioners that it did not have to be total townships on your reading and right now as it's set up for my district I have about forty thousand (40,000) people out of sixty (60,000) which is about two thirds of the vote and I was trying to get that thing set up where it was more equal in a lot of different ways and I'm just opposed to that because it's not right that we have so much representation down in the bottom...southern part of that district and so that's why I'm against it.

Adam Long: Well, I'd be more than happy to review the statute with you. The statute is very clear that townships are not to be divided unless you divide them to accomplish the goals of the statute for the division. If you want to come in or you want me to come in here and chat with you about it I'll bring the statute with me and the annexations and see if there's anything that will help shed some light on it. But it does read in somewhat of an interesting way, it says you can't divide the townships but you can if you have to. And under these circumstances the Commissioners are not like the Council where the population is required to be equal so there's no requirement to meet that would make you need to divide the township.

Rick Reid: But it's equal representation...

Don Williams: When you took your job did you not know what your...

Rick Reid: Oh, absolutely.

Don Williams: Oh, okay.

Rick Reid: But I took the job thinking that we could change some of this stuff.

Adam Long: Anytime if you want you can give me a call and we can take a look at that and we'll go over it if it'll make you feel anymore comfortable.

Don Williams: Okay, so the next reading will be on the 9th.

Adam Long: Yes.

Don Williams: That'll be final?

Adam Long: Yes, it will be on that day, second, third reading. I'd request that we do it by name and title only.

Marlin Weisheit: You don't want to read it again?

Adam Long: I prefer not to, I wish I would have recorded it on my phone; I just would have played it.

COUNTY ENGINEER

Don Williams: Okay, next item, anything more from Engineering?

Brent Wendholt: No, Sir.

COUNTY HIGHWAY

Don Williams: Anything from Highway?

Brent Wendholt: No, Sir.

Roger Emmons: Is a motion to table the Ordinance...?

Don Williams: No, it just passed two (2), one (1); therefore it's got to come back for a second time.

COUNTY SHERIFF

Don Williams: Sheriff, do you have anything, Sir?

Sheriff Kruse: No, Sir.

Adam Long: And, Mr. President, I don't want to...certainly don't want to cut in front of anybody but the Manatron Contract that was bouncing between Thompson Routers and myself with respect to the modifications and which is something that I believe is important to the Auditor and the Assessor and the Treasurer, has reached a phase where they're most likely are not going to be any other revisions. The most concerning thing that I had with respect to the last version that they sent me had to do with some of the terminology with respect to any event where we had received a full refund for the product which I think is probably an unlikely scenario as the product most likely is going to work as intended. It was just the way they were going to reimbursement us would have been, according to its value, based upon five (5) year straight lined depreciation which I was asking them to refund the entire purchase price. That's something they're just not willing to do. I would say that it's probably highly unlikely that we would be in a scenario where we would need to be refunded those sums and one example would be is if the product just does not work at all. I think that that's just not likely to happen. I have the contract and its schedule here with me today, I'm certainly more than happy to provide that to the board for consideration at the next meeting but I wanted to bring it up today. At this point in time as I had indicated I think that they're not going to make anymore modifications, they've accepted about half of what I'd asked them to change and I would recommend its approval. So, it's certainly up for the Board however but this is something that I think it would be helpful for implementation in 2014 and wanted to get that out there.

Don Williams: Okay, so do we need to go ahead and approve the contract?

Adam Long: You can if you'd like. It's...I think the Board has seen the original. I think the Board has seen my changes and Manatron has accepted essentially half of my changes, so what you would be approving is a document that you've seen and the changes to the document that you have also seen so...

Don Williams: Can that be...we can do that next meeting also?

Adam Long: You could, yes.

Don Williams: Cause I would like to look at it with the changes cause I don't think I've seen that.

Adam Long: That's fine. And I have a hard copy here if you'd like to take that along.

Don Williams: Okay, good.

Adam Long: That's all I had, thank you.

COMMISSIONERS ITEMS FOR DISCUSSION

Commissioner Williams: Anyone out there like to address the Board? Come on up, Sir, Mr. President. Please state your name and who you represent.

Gary Meyer: Gary Meyer, County Council. You guys know what kind of dire straits we are in financially. The Council had to cut a lot of items from their proposed budgets. You even cut the health insurance quite a bit to get us back on track. And you went ahead and approved purchase of two (2) new vehicles. I'm not here to criticize a purchase of vehicles, that's your call. I have two (2) concerns with; the Council is very concerned about laying off people. And then we go out and buy vehicles; that's one (1) thing I have a concern about. The other concern I have is this was all done without any consulting, I don't know what the word is but the County Council did not know any of this was going on; on both vehicles. There is going to be some additional expenses. Since these are new vehicles, they're not replacement vehicles, so there's going to be insurance, there's going to be gas and oil, there's going to be tires, there's going to be all kind of new things in the budget that is not there at this point because we were never contacted and I have a problem with that. I know this is your call where the money came from but the maintenance part of the money is going to be additional appropriations because it's not there, folks. These are not replacement vehicles, they're new vehicles and I don't know if they're needed or not, that's not our call, but I would just hope that you would think about that in the future because we were really concerned about laying people off, it was a tough year, and we end up doing that, we laid off several people and then it doesn't set well when we go out and buy new vehicles. So, if you can think about that in the future I'd appreciate that. The other comment I have is...and I've talked to Don about this. There was a statement made in your last meeting and it's attributed to Don, now he said he didn't make it.

Commissioner Williams: I can't swear on that, I really don't know Gary, if I did I apologize.

Gary Meyer: Whoever made it I didn't appreciate it. Council doesn't know it but it says 'you can always blame the Council'.

Commissioner Weisheit: I don't remember hearing it, I sure didn't make...

Commissioner Williams: I don't remember the comment...

Gary Meyer: It's in your minutes, folks.

Adam Long: For clarification of the record today...

Gary Meyer: I don't know who said it but I know it was said but...

Adam Long: I think it's important to talk about the subject matter with context.

Commissioner Williams: Those minutes haven't been approved.

Gary Meyer: 'You can always blame the Council' and the Council did not know anything about this. We were talking about the vehicle for the Assessor at that point and it was said by somebody.

Commissioner Williams: I remember part of that conversation and I think we were talking about funding.

Gary Meyer: I've got it here if you'd like to read it.

Commissioner Williams: No, I can get a copy.

Gary Meyer: But anyway, that's not a good working rapport.

Commissioner Williams: No.

Gary Meyer: We'll take our blame when we do something wrong but we did not know this was even going on and then to make a statement that 'well, we can always blame the Council' is not a good PR between the two bodies. Thank you.

Commissioner Williams: I agree, I think that was probably made as a joke and not a good one.

Gary Meyer: Not a good one, you're right.

Commissioner Weisheit: Gary, as far as the two (2) vehicles, I mean, we put a lot of thought into both of those vehicles to justify them. I know it's a bad year.

Gary Meyer: I'm not criticizing your decision, I'm not criticizing whether we need them or not. My only point is we struggled over laying people off. And when you add two (2) vehicles in there with the maintenance and all this; that's two (2) jobs the way I looked at it. We could have saved two (2) jobs.

Commissioner Weisheit: But if you look at the reason for purchasing these vehicles in the long term, I mean, I'm counting on saving money.

Gary Meyer: I hope you do.

Commissioner Weisheit: As far as the vehicle for EMS it's going to save mileage on ambulances and stuff. That vehicle is clearly going to be needed; it'll be used for several years. They can use this to run back and forth to different facilities instead of running the ambulances to pick up supplies.

Gary Meyer: Like I say, you don't have to sell me on this, this is your...

Commissioner Weisheit: Well, I just want you to know the reason though.

Gary Meyer: It's your decision and that's fine but if it's going to cost us more in the future, and it will cost us something, insurance...cause they're not...they're new vehicles.

Commissioner Weisheit: Yeah, but if it's saving one hundred sixty thousand dollar (\$160,000.00) ambulance from running back and forth it's a good investment.

Gary Meyer: If it does that's great...

Commissioner Weisheit: Yeah. Well, I just want to let you know how I made my decision though.

Gary Meyer: Well, that's fine but like I said it's just...we did not want to lay people off and we did...

Commissioner Weisheit: And you know, I think you're not giving us enough credit for the last four (4) to five (5) jobs at the Highway Department we haven't filled, I mean we've been working with you for a couple of years and you're here today criticizing us...

Gary Meyer: I gave you credit on the insurance right up front, you did a good job on that, there's no question about that but all I'm asking is that when you do something like this...it's not our call but when we have to appropriate more money for insurance for gas and oil, lubes, tires, all this we should at least be told you were going to do this, that's all I'm saying. You know, you all made your own decisions on how you want to do that and that's fine...

Commissioner Williams: Well, the one was not a unanimous vote so...

Gary Meyer: It doesn't matter...

Commissioner Williams: I know.

Gary Meyer: You know that doesn't matter it's just...we don't have unanimous votes a lot but...

Commissioner Williams: Yeah.

Gary Meyer: As you might know, but anyway, I would just like to see us be more in communication with something like this when we know it's going to cost us more. I mean, you guys are going to have to come to us probably or maybe not, for additional appropriation for the insurance on these vehicles or whatever; gas, oil and lubes and all this kind of stuff, which may not be a lot of money, I'm not saying that is but it is an additional expense that we're going to have to plan for. Thank you.

Commissioner Weisheit: Thank you.

Commissioner Williams: Mr. Reid, do you have anything?

Commissioner Reid: Nothing.

Commissioner Williams: Mr. Weisheit?

Commissioner Weisheit: No, Sir.

Commissioner Williams: I have nothing either, entertain...

Commissioner Reid: Motion to adjourn.

Commissioner Williams: Motion to adjourn.

Commissioner Weisheit: Second.

Commissioner Williams: We are adjourned.

DON WILLIAMS, PRESIDENT

MARLIN WEISHEIT, VICE PRESIDENT

RICHARD REID, MEMBER

ATTEST:

L.B. "DIXIE" DUGAN, AUDITOR
WARRICK COUNTY, INDIANA